

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

\_\_\_\_\_  
UNITED STATES OF AMERICA

Plaintiff,

v.

SPORTING GOODS  
PROPERTIES, INC.

\_\_\_\_\_  
Defendant.

CIVIL ACTION NO.

COMPLAINT

The United States of America, by and through the undersigned attorneys, by authority of the Attorney General and acting at the request of the Secretary of the United States Department of the Interior ("DOI"), and the Secretary of the United States Department of Commerce, alleges:

NATURE OF THE ACTION

1. This is a civil action under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. § 9607, as amended, for recovery of damages for injury to, destruction of, or loss of natural resources under the trusteeship of the Secretary of the Interior, and the Secretary of Commerce, through the National Oceanic and Atmospheric Administration ("NOAA"), and for the reasonable costs of assessing such injury, destruction or loss, together with accrued interest, in connection with the release of hazardous substances at the site known as the Remington Gun Club - Lordship Point Gun Club Site ("Site") located in Stratford, Connecticut.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and

1345, and Sections 107(a) and 113(b) of CERCLA, 42 U.S.C. §§ 9607(a) and 9613(b).

3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391, and Sections 107 and 113(b) of CERCLA, 42 U.S.C. §§ 9607 and 9613(b), because the releases or threatened releases of hazardous substances that gave rise to this claim occurred in this district and because the Site is located in this district.

#### DEFENDANT

4. The defendant in this action, Sporting Goods Properties, Inc. (“Sporting Goods” or the “Defendant”), is a Delaware corporation that has owned the Site since 1945. The Site was operated as a gun club from at least 1945 until December 31, 1986.

5. Sporting Goods was known as the Remington Arms Company, Inc. (“Remington”) before November 30, 1993 at which time Remington changed its name to Sporting Goods. At all relevant times, Sporting Goods, previously known as Remington, was and/or is the owner and/or operator of the Site.

6. The Defendant is a “person” within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

#### THE SITE

7. The Site is located in Stratford, Connecticut at the mouth of the Housatonic River, on the Connecticut shore of Long Island Sound.

8. While the Defendant owned and/or operated the Site as a gun club, hazardous substances, including lead shot, were released into the environment and disposed of at the Site and these hazardous substances have come to be located at the Site.

9. The presence of lead has been found in waterfowl, sediments, and associated aquatic life at the Site.

### GENERAL ALLEGATIONS

10. The Site is a “facility” within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

11. The Defendant is an owner or operator of the Site within the meaning of Section 101(20)(A) of CERCLA, 42 U.S.C. § 9601(20)(A).

12. “Hazardous substances,” within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), including, but not limited to lead, have been “disposed” of at the Site. Such substances have been found at the Site.

13. Actual or threatened releases of hazardous substances within the meaning of Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), have occurred and continue to occur at or from the Site.

14. As a result of the releases of hazardous substances at or from the Site there has been injury to, destruction of, or loss of natural resources under the trusteeship or joint trusteeship of the Secretary of the Interior and the Secretary of Commerce, within the meaning of Section 107 of CERCLA, 42 U.S.C. § 9607.

15. The United States has incurred and will continue to incur costs in connection with responding to natural resource damages, including costs for assessing the extent of injury to, destruction of, or loss of natural resources, within the meaning of Section 107 of CERCLA, 42 U.S.C. § 9607.

### CLAIM FOR RELIEF

16. Paragraphs 1 through 15 are realleged and incorporated herein by reference.

17. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides, in pertinent part:

(1) the owner and operator of a . . . facility,

(2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,  
...

shall be liable for — . . .

(C) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release . . .

18. The Defendant is liable under Section 107(a)(1) of CERCLA, 42 U.S.C.

§ 9607(a)(1), as the owner or operator of a facility. The Defendant is also liable under Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2), as the owner or operator of a facility at the time of the disposal of hazardous substances.

19. The Defendant is liable to the United States pursuant to CERCLA Section 107(a), 42 U.S.C. § 9607(a), for damages to natural resources related to the Site, including the reasonable costs of assessing injury to, destruction of, or loss of natural resources.

#### PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully requests that this Court:

a. Find the Defendant liable, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), for all damages that have resulted or that will result from injury to, destruction of, or loss of natural resources related to the Site, and all reasonable costs incurred or to be incurred by the United States in assessing such injury, destruction, or loss, and order the Defendant to pay all such costs together with interest; and

- b. Grant such other and further relief as may be just and proper.

Respectfully submitted,

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